HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, JUNE 14, 2023

ACM: Majed Al-Ghafry

FILE NUMBER: Z212-206(MP) DATE FILED: March 4, 2022

LOCATION: Northwest and northeast corners of Morrell Avenue and

Fernwood Avenue

COUNCIL DISTRICT: 4

SIZE OF REQUEST: 1.14 Acres CENSUS TRACT: 48113021000

REPRSENTATIVE: Paul Carden

OWNER/APPLICANT: Dallas Light House LLC

REQUEST: An application for a CR Community Retail District with deed

restrictions volunteered by the applicant on property zoned a TH-3(A) Townhouse District with H/118 Zion Hill Missionary Baptist Church Historic Overlay and an R-5(A) Single Family

District.

SUMMARY: The purpose of this request is to allow for commercial uses

within the existing building.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by

the applicant.

CPC RECOMMENDATION: <u>Approval</u>, subject to amended deed restrictions

volunteered by the applicant.

BACKGROUND INFORMATION:

- The area of request is currently zoned a TH-3(A) Townhouse District and an R-5(A) Single Family District and is currently developed with a church and associated surface parking.
- The applicant is proposing to utilize the existing structure with theater and office uses.
 The applicant plans to improve the existing parking lot, east of Fernwood, for continued use as parking.
- The existing structure at 909 Morrell Avenue, the primary building of the existing church, is designated H/118 Zion Hill Missionary Baptist Church Historic Overlay. Changes or alterations to this portion of the site require compliance with Section 51A-4.501 Historic Overlay District and the specific historic overlay for the property. A certificate of appropriateness is required for any proposed exterior alterations or repairs.
- The applicant has volunteered deed restrictions which prohibit uses which may be considered incompatible with nearby residential. The remaining uses should be appropriate for neighborhood scale commercial.
- According to code, the purpose of the Community Retail District is to provide for the
 development of community-serving retail, personal service, and office uses at a scale
 and intensity compatible with residential communities. The development standards,
 site limitations, and deed restrictions all function to limit the site to only allowing retail
 and service uses that are complimentary to the surrounding area in intensity and
 scale.

Zoning History:

There has been one zoning case in the area in the last five years.

Z212-305: On January 25, 2023, City Council approved an application for an MF-2(A)
 Multifamily District on property zoned an R-5(A) Single Family District and an LI Light
 Industrial District generally located on the northeast and southeast corners of Grant
 Street and Ridge Street, west of the terminus of Grant Street, and north of the terminus
 of Ridge Street.

Thoroughfares/Streets:

Thoroughfare/Street	Туре	Existing/Proposed ROW
Morrell Avenue	Community Collector	40 feet / 60 feet
Fernwood Avenue	Local	60 feet
Harlandale Avenue	Local	40 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

- **GOAL 1.1** ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES
 - **Policy 1.1.2** Focus on Southern Sector development opportunities.
 - **Policy 1.1.4** Capitalize on transit oriented development opportunities.
 - **1.1.4.1** Maximize development opportunities around DART stations.
 - **Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

- **GOAL 2.1** PROMOTE BALANCED GROWTH
 - **Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.
 - **Policy 2.1.3** Support efforts to grow retail and residential opportunities in the Southern Sector.
- GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT
 - **Policy 2.2.1** Focus economic development efforts on revitalization of the Trinity River Corridor.

Policy 2.2.2 Maximize development opportunities around DART stations.

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

- **Policy 5.1.1** Promote pedestrian friendly streetscapes.
- **Policy 5.1.3** Encourage complementary building height, scale, design, and character.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.4 Enhance retail, industrial and business operations.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Neighborhood Plus Plan

Goal 6.3 Align planning, funding and community investments within a quarter mile of DART stations to promote transit-oriented development.

Land Use:

	Zoning	Land Use
Site	TH-3(A) Townhouse District, R-5(A) Single Family District	Church, Surface Parking
North	R-5(A) Single Family District	Single Family
East	R-5(A) Single Family District	Single Family
South	TH-3(A) Townhouse District, R-5(A) Single Family District	Single Family
West	MF-2(A) Multifamily District	Multifamily

Land Use Compatibility:

The area of request currently is developed as a roughly 15,000 square foot building formerly used as a church and its associated surface parking. The area of request is bordered to the north by a 25-foot alley, beyond which are single family homes. Properties east of the existing surface parking are single family homes. Across Morrell Avenue, there are two blocks of single-family homes developed under R-5(A) and TH-3(A) zoning. Across Harlandale Avenue to the west, property is developed as multifamily.

The proposed CR Community Retail District with deed restrictions would permit only low-impact commercial uses that are generally compatible with residential areas. According to code, the purpose of the Community Retail District is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. The uses that remain permitted on the property are not typically related with tangible impact on residential properties. Redevelopment of the site under commercial zoning would likely require improvement of the surface parking with Article X landscaping, buffering, and proper screening. These requirements would enhance the compatibility of the church and parking sites with surrounding residential.

The proposed change allows for neighborhood scale businesses to operate within walking distance to area residences and DART rail stations. The change would also encourage the adaptive reuse of the historic structure, which would likely not be feasibly reused under TH-3(A) zoning, as this only allows for residential uses on individual lots.

Described below is a comparison of the uses of the existing zoning and of the proposed CR zoning with deed restrictions. The CR with deed restrictions allows the applicant to permit one of their proposed uses, a theater, while restricting out several uses in CR which could impact the surrounding residential. The remaining uses are generally appropriate in close proximity to a neighborhood due their limited intensity and the constraints on the site. The development standards, site limitations, and deed restrictions all function to limit the site to only allowing retail and service uses that are complimentary to the surrounding area in intensity and scale.

LEGEND

	Use prohibited
•	Use permitted by right
S	Use permitted by Specific Use Permit
D	Use permitted subject to Development Impact Review
R	Use permitted subject to Residential Adjacency Review
*	Consult the use regulations in Section 51A-4.200

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
AGRICULTURAL USES		
Animal production		
Commercial stable		
Crop production	•	•
Private stable		
COMMERCIAL AND BUSINESS SERVICES USES		
Bus or rail transit vehicle maintenance or storage facility		
Catering service		•
Commercial cleaning or laundry plant		
Custom business services		Prohibited by DR
Custom woodworking, furniture construction, or repair		
Electronics service center		Prohibited by DR
Job or lithographic printing		
Labor hall		
Machine or welding shop		
Machinery, heavy equipment, or truck sales and services		
Medical or scientific laboratory		Prohibited by DR
Technical school		
Tool or equipment rental		Prohibited by DR
Vehicle or engine repair or maintenance		
INDUSTRIAL USES		
Alcoholic beverage manufacturing		
Gas drilling and production	S	Prohibited by DR
Gas pipeline compressor station		
Industrial (inside)		

	Existing	Proposed	
Use	TH-3(A) and R-5(A)	CR with DR	
Industrial (inside) for light manufacturing			
Industrial (outside)			
Medical/infectious waste incinerator			
Metal salvage facility			
Mining			
Municipal waste incinerator			
Organic compost recycling facility			
Outside salvage or reclamation			
Pathological waste incinerator			
Temporary concrete or asphalt batching plant	S	Prohibited by DR	
INSTITUTIONAL AND COMMUNITY SERVICE USES			
Adult day care facility	S	•	
Cemetery or mausoleum	S	S	
Child-care facility	S	•	
Church	•	•	
College, university, or seminary	S	•	
Community service center	S	S	
Convalescent and nursing homes, hospice care, and related institutions	S (TH-3(A) only)		
Convent or monastery	S	•	
Foster home	S		
Halfway house			
Hospital		Prohibited by DR	
Library, art gallery, or museum	S	•	
Public or private school	S	R	
LODGING USES			
Extended stay hotel or motel			
Hotel or motel		•	
Lodging or boarding house		Prohibited by DR	
Overnight general-purpose shelter		Prohibited by DR	
MISCELLANEOUS USES			
Carnival or circus (temporary)	[Special]	[Special]	
Hazardous waste management facility			

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Placement of fill material		
Temporary construction or sales office	•	•
OFFICE USES		
Alternative financial establishment		Prohibited by DR
Financial institution without drive- in window		•
Financial institution with drive-in window		Prohibited by DR
Medical clinic or ambulatory surgical center		•
Office		•
RECREATION USES		
Country club with private membership	S	•
Private recreation center, club, or area	S	•
Public park, playground, or golf course	•	•
RESIDENTIAL USES		
College dormitory, fraternity, or sorority house		S
Duplex	• (TH-3(A) only)	
Group residential facility		
Handicapped group dwelling unit	• per 4.209	• per 4.209
Manufactured home park, manufactured home subdivision, or campground		
Multifamily		
Residential hotel		
Retirement housing		
Single family	•	
RETAIL AND PERSONAL SERVICE USES		
Ambulance service		Prohibited by DR
Animal shelter or clinic without outside runs		Prohibited by DR
Animal shelter or clinic with outside runs		
Auto service center		Prohibited by DR
Business school		Prohibited by DR
Car wash		Prohibited by DR

	Existing	Proposed	
Use	TH-3(A) and R-5(A)	CR with DR	
Commercial amusement (inside)		(Some require S)	
Commercial amusement (outside)		Prohibited by DR	
Commercial motor vehicle parking			
Commercial parking lot or garage		•	
Convenience store with drive- through		Prohibited by DR	
Dry cleaning or laundry store		•	
Furniture store		•	
General merchandise or food store 3,500 square feet or less		•	
General merchandise or food store 3,500 square feet or greater		Prohibited by DR	
General merchandise or food store greater than 100,000 square feet		Prohibited by DR	
Home improvement center, lumber, brick or building materials sales yard		Prohibited by DR	
Household equipment and appliance repair		Prohibited by DR	
Liquefied natural gas fueling station			
Motor vehicle fueling station		Prohibited by DR	
Mortuary, funeral home, or commercial wedding chapel.		Prohibited by DR	
Nursery, garden shop, or plant sales		•	
Outside sales			
Paraphernalia shop		Prohibited by DR	
Pawn shop		Prohibited by DR	
Personal service use		•	
Restaurant without drive-in or drive-through service		•	
Restaurant with drive-in or drive-through service		Prohibited by DR	
Swap or buy shop		Prohibited by DR	
Taxidermist			
Temporary retail use		•	
Theater		•	
Truck stop			
Vehicle display, sales, and service			
TRANSPORTATION USES			

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Airport or landing field		
Commercial bus station and terminal		
Heliport		
Helistop		
Private street or alley	S	
Railroad passenger station		
Railroad yard, roundhouse, or shops		
STOL (short take-off or landing port)		
Transit passenger shelter	•	•
Transit passenger station or transfer center	S	S
UTILITY AND PUBLIC SERVICE USES		
Commercial radio or television transmitting station		Prohibited by DR
Electrical generating plant		
Electrical substation	S	Prohibited by DR
Local utilities	S/R	S/R
Police or fire station	S	•
Post office	S	•
Radio, television, or microwave tower		S
Refuse transfer station		
Sanitary landfill		
Sewage treatment plant		
Tower/antenna for cellular communication	(Special)	(Special)
Utility or government installation other than listed	S	S
Water treatment plant		
WHOLESALE, DISTRIBUTION, AND STORAGE USES		
Auto auction		
Building mover's temporary storage yard		
Contractor's maintenance yard		
Freight terminal		
Livestock auction pens or sheds		
Manufactured building sales lot		

	Existing	Proposed
Use	TH-3(A) and R-5(A)	CR with DR
Mini warehouse		Prohibited by DR
Office showroom/warehouse		
Outside storage		
Petroleum product storage and wholesale		
Recycling buy-back center		Prohibited by DR
Recycling collection center		Prohibited by DR
Recycling drop-off container	(Special)	(Special)
Recycling drop-off for special occasion collection	(Special)	(Special)
Sand, gravel, or earth sales and storage		
Trade center		
Vehicle storage lot		
Warehouse		

Development Standards

The proposed CR with deed restrictions would allow neighborhood compatible uses within the bounds of the development standards described above.

Although the maximum height would technically increase from 36 feet to 54 feet, the change would be limited by residential proximity slope. The site is surrounded by residential zoning which projects RPS from all sides. As such, the majority of the site would be limited to 26 feet, with a maximum height of about 30 feet in the centermost section of the site. In combination with required landscape buffering, screening, and 20-foot setback, the alley would further buffer residential to the north by an additional 25 feet in the event of redevelopment. The same buffering, screening, and 20-foot side setback would apply on the eastern side of the property.

Development Standards Comparison Chart

Standard	Existing: TH-1(A)	Existing: R-5(A)	Proposed: CR with DR
Front setback	0' min	20' min	15' min* 20' Min Effective on eastern lots
Side setback	SF: 0' min Duplex: 5' min Other: 10' min	5' min	20' adjacent residential 0'
Rear setback	SF: 0' min Duplex: 10' min Other: 10' min	5' min	20' adjacent residential 0'
FAR Max / Density	None / 12 DUAC	None	0.5 office 0.75 all uses
Height	36'	30'	54'** (Effective height 26 '- 30' max) 4 stories
Max Lot Coverage	60% residential 25% non-res	45% residential 25% non-res	60%
Special standards	None	None	*Blockface continuity **Proximity slope Visual Intrusion
Primary Uses	Single Family, Duplex	Single Family	Retail and personal services, GMFS<3,500, Office, Theater

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements in Article X. as amended.

Parking:

Parking must be provided in accordance with the Dallas Development Code. The offstreet parking requirement for a theater use is one space per 28 square feet of seating area. The off-street parking requirement for an office use is one space per 333 square feet of floor area.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is located closest an "I" MVA cluster. Properties to the south are located within an "H" MVA cluster.

List of Officers

Dallas Lighthouse LLC
Andrew Ramler

CPC Action MARCH 23, 2023

Motion: It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant to include a maximum of 5,000 sq. ft. for public and private school use on property zoned a TH-3(A) Townhouse District with H/118 Zion Hill Missionary Baptist Church Historic Overlay and an R-5(A) Single Family District, on the northwest and northeast corners of Morrell Avenue and Fernwood Avenue.

Maker: Anderson Second: Rubin

Result: Carried: 12 to 0

For: 12 - Hampton, Herbert, Anderson, Shidid, Carpenter, Wheeler-

Reagan, Blair, Jung, Treadway, Haqq, Kingston, Rubin

Against: 0

Absent: 2 - Housewright, Stanard

Vacancy: 1 - District 1

Notices:Area:300Mailed:74Replies:For:2Against:0

Speakers: For: Paul Carden, 8235 Douglas Ave., Dallas, TX, 75225

Jiles King, Address not given

Andrew Ramler, 1923 Edgefield Ave., Dallas, TX, 75208

Against: None

CPC RECOMMENDED

Deed Restrictions volunteered by the Applicant

1. The following uses are prohibited:

- a) Building repair and maintenance shop.
- b) Custom business services.
- c) Electronics service center.
- d) Hospital
- e) Medical or scientific laboratory.
- f) Tool or equipment rental.
- g) Gas drilling and production.
- h) Temporary concrete or asphalt batching plant.

CPC Recommendation:

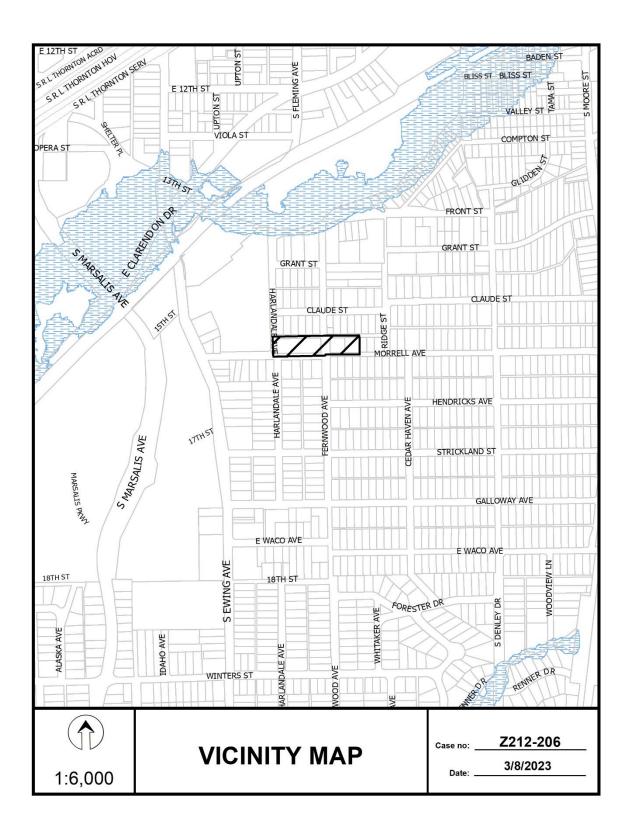
-Public or Private School (permitted up to 5,000 square feet in floor area)

Staff Recommendation:

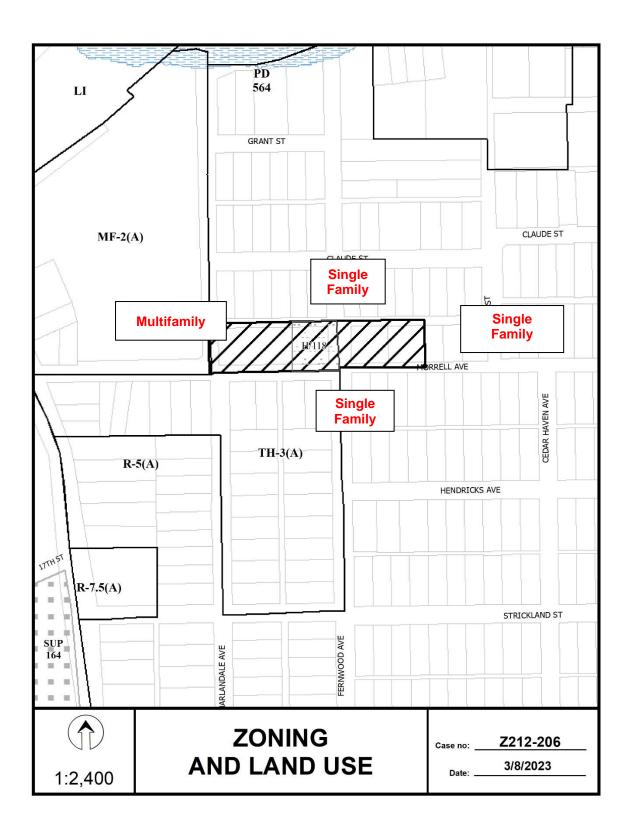
-Public or Private School (permitted up to 5,000 square feet in floor area)

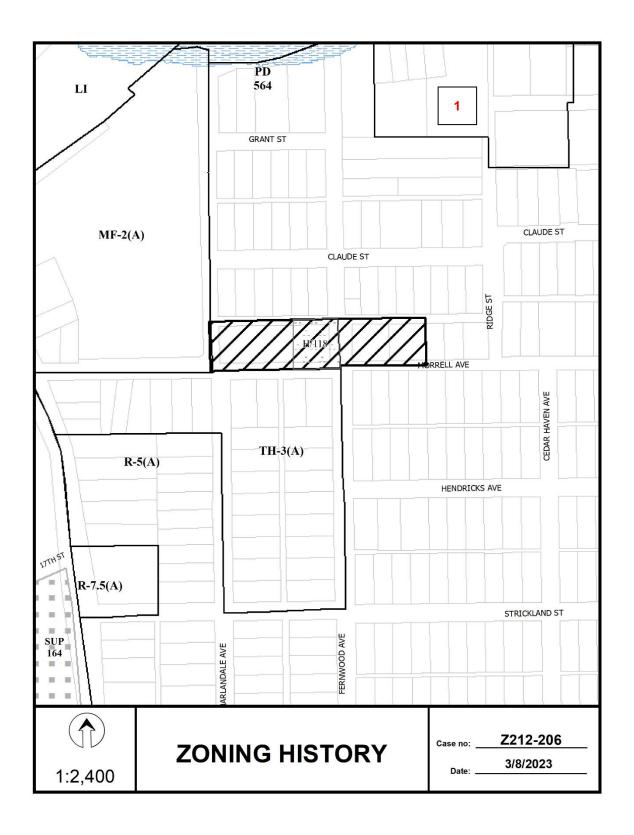
- i) Overnight general-purpose shelter.
- j) Financial institution with drive-in window.
- k) Alcoholic beverage establishments.
- I) Alternative Financial Establishment
- m) Ambulance service.
- n) Animal shelter or clinic without outside runs.
- o) Auto Service center.
- p) Business school.
- q) Car wash.
- r) Commercial amusement (outside).
- s) Convenience store with drive-through.
- t) General merchandise or food store greater than 3,500 square feet.
- u) General merchandise or food store 100,000 square feet or more.
- v) Home improvement center, lumber, brick or building materials sales yard.
- w) Household equipment and appliance repair.
- x) Lodging or boarding house.
- y) Liquor store.
- z) Household equipment and appliance repair.
- aa) Mortuary, funeral home, or commercial wedding chapel.
- bb) Motor vehicle fueling station.
- cc) Paraphernalia shop.
- dd) Pawn shop.
- ee) Restaurant with drive-in or drive-through service.
- ff) Swap or buy shop.

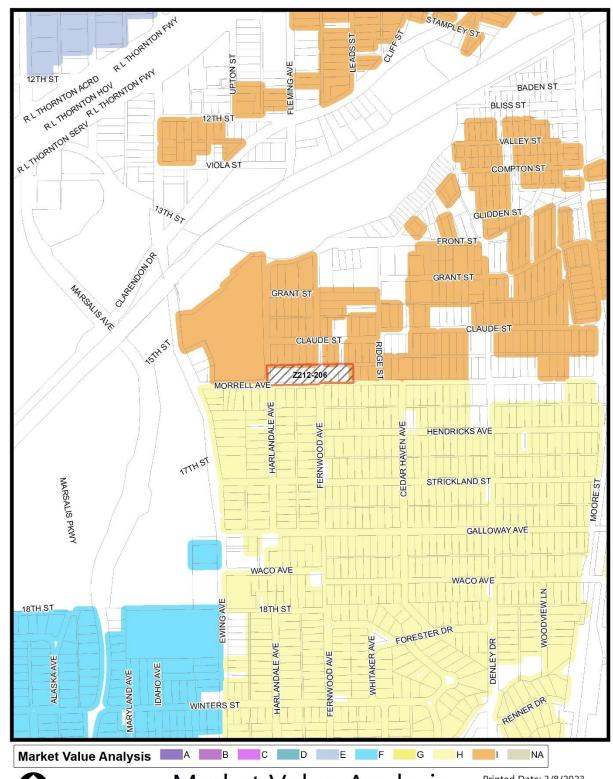
- gg) Electrical Substation
- hh) Mini-Warehouse
- ii) Commercial radio and television transmitting station.
- jj) Recycling buy-back center.
- kk) Recycling collection center.







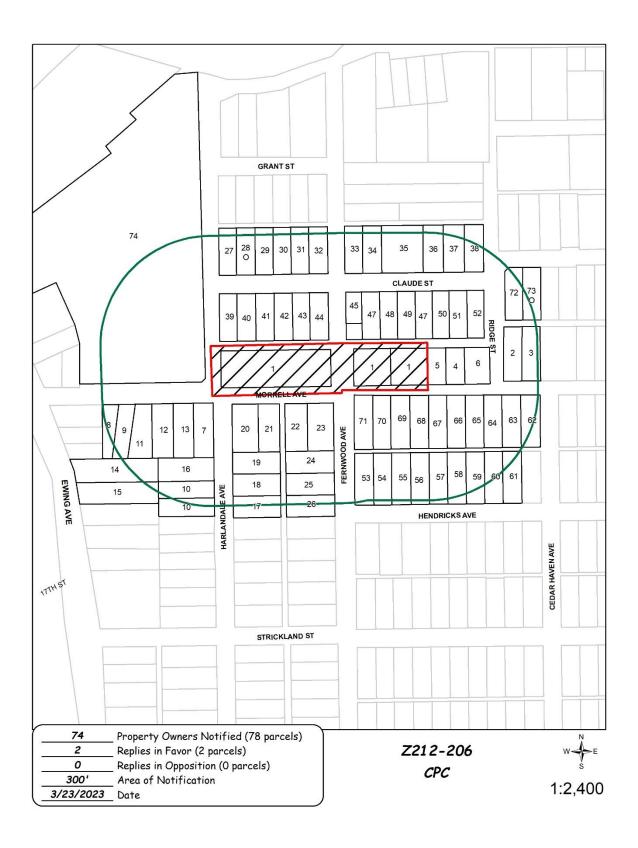




1:6,000

Market Value Analysis

Printed Date: 3/8/2023



03/22/2023

Reply List of Property Owners Z212-206

74 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed

Reply	Label #	Address		Owner
	1	907	MORRELL AVE	DALLAS LIGHTHOUSE LLC
	2	1103	MORRELL AVE	RAY JOE & YVONNE
	3	1107	MORRELL AVE	CARRJOHNSON FERDICIA
	4	1019	MORRELL AVE	SANTIAGO FRANCISCO ADAN P &
	5	1017	MORRELL AVE	Taxpayer at
	6	1027	MORRELL AVE	Taxpayer at
	7	834	MORRELL AVE	EUROMED SERVICES LLC
	8	812	MORRELL AVE	MARQUEZ ENRIQUE &
	9	816	MORRELL AVE	LUNA JOSE DE JESUS
	10	923	HARLANDALE AVE	EL GAYO LLC
	11	820	MORRELL AVE	BROWN MONTE L
	12	824	MORRELL AVE	DELACRUZ MARIA GUADALUPE EST OF
	13	828	MORRELL AVE	PAGE GARY E
	14	914	S EWING AVE	CARRENO ROGELIO &
	15	918	S EWING AVE	HATCH RUTH ANN
	16	915	HARLANDALE AVE	PITTS ERNESTINE EST OF
	17	920	HARLANDALE AVE	GAMINO JOSE LUIS
	18	916	HARLANDALE AVE	TORRES ALBERTO
	19	912	HARLANDALE AVE	MCCULLER WILLIAM JASON &
	20	904	MORRELL AVE	WILSON ALCINE HOLLINS
	21	906	MORRELL AVE	MARTINEZ JESUS BARRERA &
	22	912	MORRELL AVE	THOMAS IVING R
	23	916	MORRELL AVE	PAZ MARIA GUADALUPE SANCHEZ
	24	913	FERNWOOD AVE	MARTINEZ MARIA
	25	917	FERNWOOD AVE	SOUTHSIDE RENTAL PROPERTIES LLC
	26	921	FERNWOOD AVE	WESTBROOK SHERI &

03/22/2023

Reply	Label #	Address		Owner
	27	903	CLAUDE ST	ELLIS BETTYE JEAN
O	28	907	CLAUDE ST	RODRIGUEZ ANNA MARIA
	29	911	CLAUDE ST	JIMENEZSANCHEZ JUAN A &
	30	915	CLAUDE ST	OCCM INC
	31	919	CLAUDE ST	LEWIS TANZA L
	32	923	CLAUDE ST	LEWIS TANZA
	33	1003	CLAUDE ST	VARGASCEPEDA THOMAS &
	34	1009	CLAUDE ST	VENEGAS MARCOS
	35	1015	CLAUDE ST	CELIS SAUL
	36	1019	CLAUDE ST	FLORES FELICIANO &
	37	1023	CLAUDE ST	BRISENO JOSE LUIS
	38	1029	CLAUDE ST	LIMON JESUS & SUSANA
	39	902	CLAUDE ST	Taxpayer at
	40	906	CLAUDE ST	BELTRAN LORENA
	41	910	CLAUDE ST	JENKINS SANDRA
	42	914	CLAUDE ST	HOLLYWOOD HOMES
	43	918	CLAUDE ST	DAVIS ALICE KATHERINE
	44	922	CLAUDE ST	JONES LONNIE
	45	1002	CLAUDE ST	Taxpayer at
	46	806	FERNWOOD AVE	BALDWIN ROSIE BELL
	47	1006	CLAUDE ST	GOMEZ AVELINO H
	48	1010	CLAUDE ST	MARTINEZ BRAULIO &
	49	1016	CLAUDE ST	MOSLEY RUEBEN JR ET AL
	50	1020	CLAUDE ST	MARTINEZ ALFREDO F &
	51	1024	CLAUDE ST	JONES ODIS CROWDER &
	52	1028	CLAUDE ST	GONZALEZ JOSE R &
	53	1003	HENDRICKS AVE	FAGAN MARY ESTATE OF &
	54	1007	HENDRICKS AVE	GARZA CHRISTINA
	55	1011	HENDRICKS AVE	SMITH ANNIE MAE
	56	1015	HENDRICKS AVE	IPINA ERICA
	57	1019	HENDRICKS AVE	HERNANDEZ WILFREDO &

03/22/2023

Reply	Label #	Address		Owner
	58	1023	HENDRICKS AVE	TALLEY PRECIOUS
	59	1027	HENDRICKS AVE	COLMENERO MARTIN A &
	60	1031	HENDRICKS AVE	TAYLOR CHARLOTTE
	61	1035	HENDRICKS AVE	DOBBINS INADER G FAMILY TRUST
	62	1038	MORRELL AVE	Taxpayer at
	63	1034	MORRELL AVE	MILLER SARAH ANN
	64	1030	MORRELL AVE	RIVERA ROSARIO & HUGO
	65	1026	MORRELL AVE	CHAMBERS HENRY
	66	1022	MORRELL AVE	RODRIGUEZ IGNACIO C &
	67	1018	MORRELL AVE	PENEDADIAZ VICTORINA
	68	1014	MORRELL AVE	SANCHEZ PROPERTY MANAGEMENT INC
	69	1010	MORRELL AVE	OSTIGUIN FRANCISCO &
	70	1006	MORRELL AVE	ZEPEDA CESAR
	71	1002	MORRELL AVE	Taxpayer at
	72	1108	CLAUDE ST	POLVADO LANCE &
O	73	1110	CLAUDE ST	RODRIGUEZ NICHOLAS AARON &
	74	822	HANSZEN ST	SDC EWING INVESTMENTS LP